

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

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FOR COURT USE ONLY

☐ Individual appearing without attorney  
☒ Attorney for: Weneta M.A. Kosmala, Ch 7 Trustee

## UNITED STATES BANKRUPTCY COURT

THE TULVING COMPANY, INC., a California corporation,

CHAPTER: 7

Debtor(s).

## NOTICE OF SALE OF ESTATE PROPERTY

**Sale Date:** 06/25/2018

**Time:** 9:00 am

**Location:** PACHULSKI STANG ZIEHL & JONES LLP, 10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067

**Type of Sale:** ☒ Public ☐ Private

**Last date to file objections: 06/22/2018**

**Description of property to be sold:** The Estate's right, title, and interest in and to the remaining property of the Estate, consisting of known and unknown assets, rights to payment, or claims, which have not been previously sold, assigned, or transferred (collectively, "Remnant Assets"), specifically excluding: (a) cash held by the Trustee on behalf of the Estate at the time of execution of the Purchase Agreement (defined herein) in bank accounts earmarked for distribution to creditors and/or payment of professional fees, and (b) the Purchase Price (defined herein).

**Terms and conditions of sale:** Pursuant to the Purchase Agreement by and between Oak Point Partners, LLC ("Oak Point") and the Trustee ("Purchase Agreement"), Oak Point shall pay the Estate \$7,500.00 ("Purchase Price") for the Remnant Assets, due within three business days after the Court enters an order approving the sale. The only contingency to which the sale is subject is the Court's approval. The Estate will not have to pay any commissions, fees, or other costs of sale, except for the cost of filing and serving the Sale Motion and related documents.

**Proposed sale price:** \$ 7,500.00

**Overbid procedure (if any):** See Ex. A "Notice of Modified Bidding Procedures" attached hereto.

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

If an overbid is received and an Auction for the property held, pursuant to the Overbid procedures set forth on Exhibit "A", the Trustee will schedule a subsequent hearing to approve the winning bidder at the Auction.

Ronald Reagan Federal Building and U.S.  
Courthouse  
411 West Fourth Street  
Courtroom 5A  
Santa Ana, CA 92701

**Contact person for potential bidders (include name, address, telephone, fax and/or email address):**

Linda F. Cantor  
PACHULSKI STANG ZIEHL & JONES LLP  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760  
E-mail: lcantor@pszjlaw.com

Date: 06/08/2018

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Oak Point Partners, LLC, 5215 Old Orchard Road, Suite 965, Skokie, IL 60065-1033

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 06/08/2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* 06/08/2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

06/08/2018

CANDACE C. CLARK

*Date*

*Printed Name*

*Signature*

# **Exhibit A**

Linda F. Cantor (CA Bar No. 153762)  
Jason S. Pomerantz (CA Bar No. 157216)  
PACHULSKI STANG ZIEHL & JONES LLP  
10100 Santa Monica Blvd., 13<sup>th</sup> Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760  
E-mail: lcantor@pszjlaw.com

Counsel for Weneta M.A. Kosmala, Chapter 7 Trustee for  
The Tulving Company, Inc.

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SANTA ANA DIVISION**

In re:  
  
THE TULVING COMPANY, INC., a California  
corporation,  
  
Debtor.

Case No. 8:14-bk-11492-ES

Chapter 7

**NOTICE OF MODIFICATION OF  
BIDDING PROCEDURES RELATING TO  
CHAPTER 7 TRUSTEE'S PROPOSED  
SALE OF CERTAIN ASSETS OF THE  
DEBTOR'S ESTATE**

**TO THE HONORABLE ERITHE SMITH, UNITED STATES BANKRUPTCY JUDGE AND  
ALL PARTIES INTEREST:**

**PLEASE TAKE NOTICE** that on May 11, 2018, Weneta M.A. Kosmala, chapter 7 trustee ("Trustee") of the bankruptcy estate ("Estate") of the above-captioned debtor ("Debtor"), filed her motion [Doc. 743] ("Motion")<sup>1</sup> pursuant to 11 U.S.C. § 363(b), (f), and (m), Federal Rule of Bankruptcy Procedure 6004, and Local Bankruptcy Rule 6004-1(c), for entry of an order approving the sale of the Estate's right, title, and interest in and to the remaining property of the Estate, consisting of known and unknown assets, rights to payment, or claims, which have not been previously sold, assigned, or transferred (collectively, "Remnant Assets"), free and clear of liens, claims, interests, and encumbrances, pursuant to that certain Purchase Agreement by and between the Trustee and Oak Point Partners, LLC ("Purchase Agreement"), a copy of which is attached as Exhibit A to the Motion.

<sup>1</sup> All capitalized undefined terms used herein shall have the meanings ascribed to them in the Motion.

1           **PLEASE TAKE FURTHER NOTICE** that at the time of the hearing on the Motion, the  
2 Court requested that the Trustee modify the Bidding Procedures set forth in the Motion as follows  
3 (“Modified Bidding Procedures”):

- 4           a. Each interested bidder who wants to participate in the overbid process must present to the  
Trustee an initial overbid in writing **by no later than 4:00 p.m. (PDT) on June 22,**  
5 **2018;**
- 6           b. Each initial overbid must be accompanied by a cashier’s check made to the order of the  
Trustee in the amount of such initial overbid;
- 7           c. Each initial overbid must be at least \$9,375.00;
- 8           d. Any subsequent overbids must be in additional increments of \$1,875.00;
- 9           e. The winning bidder must purchase the Remnant Assets under the same terms and  
conditions set forth in the Purchase Agreement, other than the purchase price; and
- 10           f. In the event of an overbid that meets the foregoing conditions, the Trustee will conduct  
an auction at 9:00 a.m. (PDT) on June 25, 2018 at PACHULSKI STANG ZIEHL &  
11 JONES LLP, 10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067, and will  
request that the Court approve the winning bidder at the auction as the purchaser of the  
12 Remnant Assets at a subsequently scheduled hearing.

13           **PLEASE TAKE FURTHER NOTICE** that the Court may approve the sale of the Remnant  
14 Assets to Oak Point pursuant to the terms of the Purchase Agreement without need for further  
15 hearing if the Trustee does not receive any qualified bids pursuant to the Modified Bidding  
16 Procedures.

17  
18 Date: June 8, 2018

Respectfully submitted,

19 By: /s/ Linda F. Cantor

20 Linda F. Cantor  
21 Counsel for Weneta M.A. Kosmala,  
Chapter 7 Trustee

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: **10100 Santa Monica Blvd., 13<sup>th</sup> Floor, Los Angeles, CA 90067**

A true and correct copy of the foregoing document entitled **NOTICE OF MODIFICATION OF BIDDING PROCEDURES RELATING TO CHAPTER 7 TRUSTEE'S PROPOSED SALE OF CERTAIN ASSETS OF THE DEBTOR'S ESTATE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **June 8, 2018**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **June 8, 2018**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

*Via Federal Express*  
The Honorable Erithe A. Smith  
United States Bankruptcy Court  
Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Suite 5040  
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 8, 2018

Date

Janice G. Washington

Printed Name

/s/Janice G. Washington

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

1. **TO BE SERVED BY THE COURT VIA NOTICE  
OF ELECTRONIC FILING (NEF):**

Michael R Adele on behalf of Defendant  
Armen Haig Gugasian  
techlitcenter@yahoo.com, kadele@wgllp.com

Michael R Adele on behalf of Defendant  
Levon Gugasian  
techlitcenter@yahoo.com, kadele@wgllp.com

Wesley H Avery on behalf of Consumer  
Privacy Ombudsman Wesley H Avery  
wamiracle6@yahoo.com,  
wavery@rpmlaw.com

Candice Bryner on behalf of Creditor  
Giuseppe Minuti  
candice@brynerlaw.com

Candice Bryner on behalf of Interested Party  
Candice Bryner  
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Philip Burkhardt on behalf of Other  
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Stephen L Burton on behalf of Attorney  
Stephen L. Burton  
steveburtonlaw@aol.com,  
ellie.burtonlaw@gmail.com

Frank Cadigan on behalf of U.S. Trustee  
United States Trustee (SA)  
frank.cadigan@usdoj.gov

Linda F Cantor, ESQ on behalf of Other  
Professional Pachulski Stang Ziehl & Jones  
LLP  
lcantor@pszjlaw.com, lcantor@pszjlaw.com

David L Gibbs on behalf of Creditor Kenneth  
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Nancy S Goldenberg on behalf of U.S. Trustee  
United States Trustee (SA)  
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lthomas@onellp.com;info@onellp.com;jander  
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James KT Hunter on behalf of Plaintiff R.  
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John H Kim on behalf of Creditor Ford Motor  
Credit Company LLC  
jkim@cookseylaw.com

Weneta M Kosmala (TR)  
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wkosmala@txitrustee.com;dmf@txitrustee.co  
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Nanette D Sanders on behalf of Creditor  
Levon Gugasian  
becky@ringstadlaw.com

Richard C Spencer on behalf of Interested  
Party Courtesy NEF  
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ustregion16.sa.ecf@usdoj.gov